

United States District Court
Eastern District of Michigan

United States of America,

v.

Hon. Bernard A. Friedman

Joseph Ashton,

Case No. 19-20738

Defendant.

/

**GOVERNMENT AND DEFENDANT’S JOINT SUBMISSION
REQUARDING SENTENCING BY VIDEO TELECONFERENCE**

Defendant Joseph Ashton was charged in an information with one count of conspiracy to commit honest services wire fraud, in violation of 18 U.S.C. § 1349, and one count of conspiracy to commit money laundering, in violation of 18 U.S.C. § 1956(h). Ashton entered a guilty plea to this offense on December 4, 2019. He was originally scheduled to be sentenced on March 17, 2020. On March 25, 2020, the Theodore Levin U.S. Courthouse in Detroit was closed after a court security officer tested positive for COVID-19. Due to the Covid-19 pandemic, the sentencing was adjourned by agreement to May 20, 2020, and then

again to August 18, 2020, and finally to November 17, 2020. As of the date of this filing, the federal courthouse remains closed to the public.

Pursuant to Administrative Order, No. 20-AO-025 (E.D. Mich., March 30, 2020), Administrative Order, No. 20-AO-027 (E.D. Mich., April 10, 2020), and section 15002(b)(2)(A) of the CARES Act of 2020, the parties make this joint submission regarding sentencing of Ashton by video teleconference (VTC). If the Court proceeds with the sentencing by VTC, the Court should make the following findings:

- a. Because of the COVID-19 crisis, the recommendations of the Centers for Disease Control and the Michigan Department of Health and Human Services for social distancing, the Governor of Michigan's executive orders temporarily suspending activities that are not necessary to sustain or protect life, and other measures to stop the spread of the coronavirus, an in-person hearing cannot take place at this time without seriously jeopardizing the health and safety of all participants and the public.
- b. Based on the nature of Ashton's offense, the likely sentence, and other factors, this proceeding must be held by VTC at this time because further delay would result in serious harm to the interests of justice.

The parties request that at the start of the sentencing hearing the Court ensure that Ashton understands the following and agrees to waive the right to a hearing in open court and consents to a proceeding by VTC:

- a. The right to be present in open court for the hearing;
- b. The recommendations of the Centers for Disease Control and the Michigan Department of Health and Human Services for social distancing measures to prevent the spread of COVID-19, as well as the Governor of Michigan's executive orders;
- c. That to address these measures, the Chief Judge of the District issued Administrative Orders restricting in-person hearings in order to protect, to the greatest extent possible, all participants in the criminal justice system, including Ashton;
- d. That Ashton agrees this sentencing hearing cannot be further delayed without serious harm to the interests of justice; and
- e. That Ashton has discussed this situation and the available options with his counsel and agrees to waive the right to appear in open court, consents to a VTC hearing, and acknowledges that proceeding in this manner best protects the defendant's due process rights.

Respectfully submitted,

/s/ Frances Lee Carlson

Frances Lee Carlson
Eaton P. Brown
Assistant U.S. Attorneys
211 West Fort Street, Ste.2001
Detroit, MI 48226
313-226-9696
frances.carlson@usdoj.gov

/s/ Jerome A. Ballarotto (w/consent)

Jerome A. Ballarotto
Counsel for Joseph Ashton
143 White Horse Avenue
Trenton, NJ 08610
609-581-8555
jabesquire@aol.com

Dated: November 13, 2020